

CLEAN AIR ACT7-150. Acid Rain Program and Designation of Attorney as Presiding Officer

1. AUTHORITY. Pursuant to Titles I and IV of the Clean Air Act, 42 U.S.C. 7401-7428 and 7651-7651o, and in accordance with 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78, the authority to implement the Acid Rain Program in Parts 72-77 and to facilitate the Appeal Procedures in Part 78, including the authority to:

a. Determine whether a certification or recertification application for a monitoring system is complete and to issue notices of incompleteness for an incomplete application under 40 CFR §75.20(a)(4)(ii) and (a)(5);

b. When acting as the permitting authority, issue, renew, revise, or terminate Acid Rain permits or opt-in permits, or delegate to a State the issuing, renewing, revising, or terminating of Acid Rain permits or opt-in permits, under 40 CFR §§72.44(f)(2) and (g), 72.60 through 72.69, 72.74(d), 72.80 through 72.85, 74.14, 74.18(g), 74.19, 74.47(a)(7), and 76.10(f); and

c. Designate a lawyer to serve as presiding officer at an evidentiary hearing on administrative appeal to the Environmental Appeals Board, under 40 CFR §78.6(b)(3).

2. TO WHOM DELEGATED. The authorities in 1.a. and 1.b. are delegated to the Director, Air Protection Division. The authority in 1.c is delegated to the Environmental Appeals Board.

3. LIMITATIONS. None.

4. REDELEGATION AUTHORITY. These authorities may be not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES. None.

CLEAN AIR ACT7-150. Acid Rain Program and Designation of Attorney as Presiding Officer, (Cont.)

6. SUPERSESSON. Delegations Manual, CAA, Regional Delegations 7-72. Acid Rain Initial Permit Reviews, 1200 TN RIII-102 (July 6, 1993); 7-73. Acid Rain Permitting, 1200 TN RIII-140 (November 1, 2000); 7-74. Phase I. Substitution Plans, 1200 TN RIII-140 (November 1, 2000); 7-76. Reduced Utilization Plans, 1200 TN RIII-140 (November 1, 2000); 7-77. Retired Unit Exemptions, 1200 TN RIII-140 (November 1, 2000); 7-80. Certification and Petition Approvals, 1200 TN RIII-140 (November 1, 2000); 7-90. New Unit Exemption, 1200 TN RIII-125 (August 5, 1998); 7-95. Group I, Phase II Early Election for NO<sub>x</sub>, 1200 TN RIII-125 (August 5, 1998); 7-96. Alternative Emission Limitations, 1200 TN RIII-115 (October 29, 1996); 7-97. Emission Averaging Plans, 1200 TN RIII-115 (October 29, 1996); 7-98. Phase I NO<sub>x</sub> Compliance Extensions, 1200 TN RIII-125 (August 5, 1998).

Date: 1/24/02

/s/ Thomas C. Voltaggio for  
Donald S. Welsh  
Regional Administrator